

38

Gary Ball, Jr.  
17278-039  
U.S. Penitentiary  
3901 Klein Blvd.  
Lompoc, California



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,	)	Hon. Nancy G. Edmunds
Plaintiff,	)	
	)	CRIMINAL ACTION No. 06-20465
v.	)	
	)	NOTICE AND
D-17 GARY BALL, JR.,	)	MOTION FOR ORDER COMPELLING
Defendant.	)	
	)	ATTORNEY LAWRENCE SHULMAN TO
		TURN OVER CASE FILE

TO: Attorney LARRY SHULMAN, Esquire, at Jackson Lewis, 2000 Town Ctr.,  
Ste. 1650, Southfield, Michigan 48075; Assistant United States  
Attorney MARGARET MARIE SMITH, U.S. Attorney's Office, 211 W.  
Fort Street, Suite 2001, Detroit, Michigan 48226:

PLEASE TAKE NOTICE that on February 5, 2013 or as soon thereafter  
as this motion may be heard, Defendant/Appellant will move the  
Honorable Nancy G. Edmunds, U.S. District Court Judge for an ORDER  
requiring Attorney Larry Shulman to turn over the entire file of his  
representation of Defendant GARY BALL, Jr.

MOTION FOR ORDER

Pursuant to Rule 47 Rules of Criminal Procedure and Rule: 1.16(d)  
Declining or Terminating Representation of the Michigan Rules of  
Professional Conduct, which states in pertinent part:

"(d) Upon termination of representation, a lawyer shall take  
reasonable steps to protect a client's interests, such as giving  
reasonable notice to the client, allowing time for employment of  
other counsel, surrendering papers and property to which the client  
is entitled, and refunding any advance payment of fee that has not  
been earned. The lawyer may retain papers relating to the client  
to the extent permitted by law."

The defendant/appellant, Gary Ball Jr., respectfully requests this honorable Court issue an ORDER directing attorney LARRY SHULMAN to turn over the case files in my case that he has and has failed to turn over to the defendant's defense.

In support of this motion defendant/movant states that:

1). Attorney Shulman abandoned his representation of defendant after the previous attorney, Lee O'brien's case was dismissed by this honorable Court;

2). Attorney Shulman requested extensions of time to file Briefs in Defendant's Appeal on 8/10/2011; 1/17/2012; 2/09/2012; 2/23/2012; and on 3/13/2012 the Sixth Circuit sent a Briefing Letter to have Attorney Lawrence B. Shulman for appellant BALL show cause for not filing brief, resetting briefing schedule: appellant brief was then set for 3/20/2012; On 4/02/2012 the Sixth Circuit issued an ORDER for Lawrence B. Shulman to be withdrawn as counsel for appellant BALL; See attached Exhibit "A" Sixth Circuit Docket in Appellant BALL's case; and Exhibit "B" Sixth Circuit ORDER withdrawing attorney Shulman from appellant BALL's appeal for failing to respond to Clerk's requests.

3). On 4/09/ 2012, appellant/defendant BALL sent a letter to the Sixth Circuit Court of Appeals Case Manager for his appeal not knowing that the Sixth Circuit had withdrawn attorney SHULMAN from BALL's appeal for abandoning him on appeal; see Exhibit "C" Letter to Appellate Case Manager.

4). On 5/29/2012 defendant Gary Jr. Ball sent an email requesting his complete file so that he could participate in helping newly appointed counsel, Dennis Belli prepare BALL's appeal before the Sixth Circuit; attorney Larry Shulman emailed his response that he

he "sent everything to appellate lawyer asked for. I'm happy to send you a copy as well-everything I have is in electronic form. OK if I send to you on CD's?"; defendant/appellant BALL emailed attorney Shulman back on 5/30/2012 stating "Yes send it to Paul in CD's that fine I'll have him print it out. and let me have a letter/sign off that's all you have in my file..."; see attached Exhibit "D", emails.

5) Attorney Shulman didn't send the files and on November 19, 2012 defendant/appellant Ball sent a letter formally requesting his entire file from attorney Shulman; see attached Exhibit "E", Request letter, and Exhibit "E", Certified Mail Receipt. Defendant Ball's request quoted the Michigan State Bar Rules of Professional Conduct Rule 1.16(d) requiring attorney Shulman to turn over the file. See Exhibit "E".

6). On December 6, 2012, defendant Ball obtained a second Package Approval Slip for 3 Banker's Boxes from the BOP, so that attorney Shulman could send the files to him; see Exhibit "F"; and sent another signed copy of his November 17, 2012 official request that attorney Shulman send BALL his files. A Banker's box holds Six thousand pages of paper, so 3 Banker's Boxes will hold 18,000 pages of documents. Defendant Ball mailed the second request Certified Mail; see attached Exhibit "G" Certified Mail Receipt; and Exhibit "H" Certified Mail Return signed for by Deborah Chastine.

7). On 12/11/2012 attorney Shulman emailed the defendant/appellant Ball stating he received both letters and wanted to know if Ball wanted them in electronic format or on paper, stating he would see to it that Ball got them. On 12/11/2012 defendant/appellant Ball emailed attorney Shulman back that he needed the files in paper format because he could no longer get Paul to print them out and defendant Ball was in federal prison at USP Lompoc and could not have computer disks at the prison; see attached Exhibit "I"

8). On January 14, 2013, defendant/appellant Ball Jr. emailed attorney Shulman asking if he was going to send Ball his files? On 1/15/2013 attorney Shulman emailed BALL back stating that BALL's one year period had not started to run for his 2255 motion and that he is seeking guidance on payment for copies and shipping, suggesting that he would be happy to turn over the disks to someone else to print out and send to me; see attached Exhibit "J". Such happy to turn over the files is belied by his conduct in June 2012, when Ball could get a friend Paul to print out the files and send to Ball. However, now Paul cannot do so.

9). Defendant/appellant Gary Ball Jr. offers his Declaration in Support of this motion.

10). In United States v. Oakley, 2008 U.S. Dist. LEXIS 78721 No. 3:07-CR-88 filed October 8, 2008 "In cases such as this, where an attorney is required, for whatever reason, to cease his representation of a client, the Rules further state that: 'Upon termination of the representation of a client, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, including (2) promptly surrendering papers and property of the client and any work product prepared by the lawyer for the client and for which the lawyer has been compensated; (3) promptly surrendering any other work product prepared by the lawyer for the client, provided, however, that the lawyer may retain such work product to the extent permitted by other law but only if the retention of the work product will not have a materially adverse affect on the client with respect to the subject matter of the representation.'". Id.

11). In addressing a pro se litigant's need for previous attorney's file, the Ninth Circuit in Jones v. Henry, 2006 U.S. Dist. LEXIS 58537 No. CIV S-05-1067 GEB GGH P filed August 17, 2006 stated in pertinent

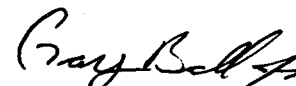
part: "Although petitioner filed the original petition in May 2005 proceeding in pro se without possessing [the attorney's] files, she could not have been expected to file a meaningful petition without these files." citing Spitsyn v. Moore, 345 F.3d at 801.

12). Attorney Shulman only sent the Trial Transcripts to newly appointed appellate counsel for appellant Gary Ball and Ball needs the files to assist appellate counsel represent him on appeal. Further, defendant/appellant Gary Ball Jr. needs the files to prepare his \$2255 Motion before the Court. Further Ball needs the file to investigate the effectiveness of Attorney Shulman and appellant Counsel Belli, since he didn't obtain any files beyond the trial transcripts.

For the foregoing reasons and defendant/appellant Gary Ball Jr.'s need for the files in this case, he prays this honorable Court will grant his Motion and ORDER attorney Lawrence Shulman to turn over the files in paper format to defendant/appellant Gary Ball Jr. as soon as possible so as not to further prejudice Gary Ball Jr.

Dated this 19th day of January 2013

Respectfully submitted,



Gary Ball Jr.

# Exhibit A

## Sixth Circuit Docket

**General Docket**  
**United States Court of Appeals for the Sixth Circuit**

<b>Court of Appeals Docket #:</b> 11-1208		<b>Docketed:</b> 02/22/2011		
USA v. Gary Ball, Jr. <b>Appeal From:</b> Eastern District of Michigan at Detroit <b>Fee Status:</b> In Forma Pauperis				
<b>Case Type Information:</b> 1) Criminal 2) Sen & Cnv Appeal 3) null				
<b>Originating Court Information:</b> <b>District:</b> 0645-2 : 06-20465-017 <b>Court Reporter:</b> Suzanne Jacques <b>Court Reporter:</b> Jodi Matthews <b>Court Reporter:</b> Joan Morgan <b>Trial Judge:</b> Nancy G. Edmunds, U.S. District Judge <b>Date Filed:</b> 10/03/2006 <b>Date Order/Judgment:</b> 02/16/2011				
		<b>Date NOA Filed:</b> 02/21/2011		
<b>Prior Cases:</b> None				
<b>Current Cases:</b>				
	<b>Lead</b>	<b>Member</b>	<b>Start</b>	<b>End</b>
	<u>11-1170</u>	<u>11-1580</u>	10/06/2011	
Consolidated				
	<u>11-1170</u>	11-1208	06/23/2011	
	<u>11-1170</u>	<u>11-1221</u>	06/23/2011	
	<u>11-1170</u>	<u>11-1223</u>	06/23/2011	
	<u>11-1170</u>	<u>11-1349</u>	06/23/2011	
	<u>11-1170</u>	<u>11-1354</u>	06/23/2011	
	<u>11-1170</u>	<u>11-1580</u>	06/23/2011	10/06/2011
	<u>11-1170</u>	<u>11-1843</u>	07/14/2011	10/20/2011
Related				
	<u>11-1170</u>	11-1208	02/22/2011	06/23/2011
	<u>11-1170</u>	<u>11-1221</u>	02/24/2011	06/23/2011
	<u>11-1170</u>	<u>11-1223</u>	02/24/2011	06/23/2011
	<u>11-1170</u>	<u>11-1349</u>	03/21/2011	06/23/2011
	<u>11-1170</u>	<u>11-1354</u>	03/22/2011	06/23/2011
	<u>11-1170</u>	<u>11-1580</u>	05/03/2011	06/23/2011
	<u>11-1170</u>	<u>11-1843</u>	10/20/2011	
	<u>11-1170</u>	<u>11-1843</u>	07/06/2011	07/14/2011
	<u>11-1170</u>	<u>11-2055</u>	08/25/2011	
	<u>11-1170</u>	<u>11-2163</u>	09/20/2011	
	<u>11-1170</u>	<u>11-2450</u>	11/16/2011	

UNITED STATES OF AMERICA  
Plaintiff - Appellee

Patricia Gaedeke  
[COR LD NTC Government]  
U.S. Attorney's Office  
Firm: 313-226-9100  
211 W. Fort Street  
Suite 2001  
Detroit, MI 48226

Margaret Marie Smith, Assistant U.S. Attorney  
Direct: 313-226-9135  
[COR NTC Government]  
U.S. Attorney's Office  
Firm: 313-226-9100  
211 W. Fort Street  
Suite 2001  
Detroit, MI 48226

v.

GARY BALL, JR.  
Defendant - Appellant

Dennis Belli  
Direct: 614-444-6556  
[COR LD NTC CJA Appointment]  
Law Office  
2 Miranova Place  
Suite 710  
Columbus, OH 43215-7052


UNITED STATES OF AMERICA

Plaintiff - Appellee


v.

GARY BALL, JR.


Defendant - Appellant

02/22/2011  3 pg, 13.54 KB


Criminal Case Docketed. Notice filed by counsel for Appellant Mr. Gary Ball, Jr.. Transcript needed: y. [360 + months after a plea of not guilty] (SB)

02/22/2011 

The case manager for this case is: Sue Burlage (513)564-7012 (SB)

02/22/2011 

RULING to extend appointment of Lawrence B. Shulman as counsel under the Criminal Justice Act for appellant. (SB)

























03/07/2011  1 pg, 24.09 KB

APPEARANCE filed for Appellee USA by Diane L. Marion. Certificate of Service: 03/07/2011. (DLM)














03/09/2011









APPEARANCE filed for Appellant Mr. Gary Ball, Jr. by Lawrence Bryant



-   Shulman. Certificate of Service: March 8, 2011. (LBS)  
1 pg, 66.7 KB
- 03/09/2011   APPEARANCE filed for Appellant Mr. Gary Ball, Jr. by Lawrence Bryant Shulman. Certificate of Service: 03/08/2011. (LBS)  
1 pg, 66.7 KB
- 03/09/2011   TRANSCRIPT ORDER FORM filed by Mr. Lawrence Bryant Shulman for Mr. Gary Ball, Jr.; transcript ordered on 03/09/2011 from Court Reporter Ms. Suzanne Jacques. [4348722-2] Certificate of Service: 03/09/2011. (LBS)  
6 pg, 287.56 KB
- 03/16/2011  TRANSCRIPT ORDER financial arrangements confirmed by Ms. Suzanne Jacques for Document [4348722-2] transcript filed by Ms. Suzanne Jacques and Mr. Lawrence Bryant Shulman for Mr. Gary Ball, Jr. in 11-1208. Date Made:03/10/2011; Est. pp.: 3100. Per notice from DC (ALM)
- 03/25/2011   Pre-sentence report filed. (KAL)  
53 pg, 3.27 MB
- 05/04/2011  TRANSCRIPT ORDER completed by Court Reporter Ms. Suzanne Jacques for Document [4348722-2] transcript filed by Ms. Suzanne Jacques and Mr. Lawrence Bryant Shulman for Mr. Gary Ball, Jr. in 11-1208. Per DC docket (ALM)
- 06/23/2011   ORDER filed to consolidate for briefing and submission cases 11-1170/1208/1221/1223/1349/1354/1580. [11-1170, 11-1208, 11-1221, 11-1223, 11-1349, 11-1354, 11-1580] (SB)  
2 pg, 25.11 KB
- 06/23/2011   BRIEFING LETTER SENT setting briefing schedule: appellant brief due 8/05/2011; appellee brief due 9/07/2011. [11-1170, 11-1208, 11-1221, 11-1223, 11-1349, 11-1354, 11-1580] (please open for details) (SB)  
2 pg, 12.9 KB
- 07/14/2011   ORDER filed to consolidate for briefing and submission cases 11-1170/1208/1221/1223/1349/1354/1580/1843. This order adds Donovan 11-1843, [11-1170, 11-1208, 11-1221, 11-1223, 11-1349, 11-1354, 11-1580, 11-1843] (SB)  
2 pg, 25.32 KB
- 07/14/2011   BRIEFING LETTER SENT resetting briefing schedule: appellant brief now due 8/19/2011. appellee brief now due 9/22/2011. [11-1170, 11-1208, 11-1221, 11-1223, 11-1349, 11-1354, 11-1580, 11-1843] (SB)  
2 pg, 11.8 KB
- 08/10/2011   Joint MOTION filed by Mr. Lawrence Bryant Shulman, etc. for Mr. Gary Ball, Jr. to extend time to file appellants' briefs. Certificate of Service: 08/10/2011. [11-1170, 11-1208, 11-1223, 11-1349, 11-1354]--[Edited 08/11/2011 by SB] (LBS)  
6 pg, 119.89 KB
- 08/11/2011   LETTER SENT granting appellants' joint motion to extend time to file brief [4442430-2] filed by Mr. Lawrence Bryant Shulman. Resetting briefing schedule: appellant brief now due 9/30/2011; appellee brief now due 11/03/2011. [11-1170, 11-1208, 11-1221, 11-1223, 11-1349, 11-1354, 11-1580, 11-1843] (please open for details) (SB)  
2 pg, 11.83 KB
- 09/21/2011   Joint appellants' MOTION filed by Mr. James C. Thomas for Aref Nagi to extend time to file brief. Certificate of Service: 09/21/2011. [11-1170, 11-1208, 11-1221, 11-1223, 11-1349, 11-1354, 11-1580, 11-1843]--[Edited

09/22/2011 by SB] (JCT)

- 09/22/2011  5 pg, 17.64 KB LETTER SENT granting joint motion to extend time to file brief [4467844-2]. Resetting briefing schedule: appellant brief now due 11/15/2011; appellee brief now due 12/20/2011. [11-1170, 11-1208, 11-1221, 11-1223, 11-1349, 11-1354, 11-1580, 11-1843] Please open for details (SB)
- 11/14/2011  6 pg, 96.47 KB Joint appellants' MOTION filed by Mr. James C. Thomas for Aref Nagi to extend time to file brief. Certificate of Service: 11/14/2011. [11-1170, 11-1208, 11-1223, 11-1354]--[Edited 11/14/2011 by SB] (JCT)
- 11/14/2011  5 pg, 17.35 KB LETTER SENT granting joint motion to extend time to file brief [4499300-2]. Resetting briefing schedule: appellant brief now due 12/15/2011; appellee brief now due 1/24/2012. [11-1170, 11-1208, 11-1223, 11-1354] (open for details) (SB)
- 11/15/2011  1 pg, 56.59 KB APPEARANCE filed for Appellee USA in 11-1170, 11-1208, 11-1221, 11-1223, 11-1349, 11-1354 by Patricia Gaedeke. Certificate of Service: 11/15/2011. [11-1170, 11-1208, 11-1221, 11-1223, 11-1349, 11-1354] (PG)
- 11/15/2011  1 pg, 56.38 KB APPEARANCE filed for Appellee USA in 11-1170, 11-1208, 11-1221, 11-1223, 11-1349, 11-1354 by Christopher Graveline. Certificate of Service: 11/15/2011. [11-1170, 11-1208, 11-1221, 11-1223, 11-1349, 11-1354] (CG)
- 12/13/2011  6 pg, 18.29 KB Joint MOTION filed by Mr. Sanford Plotkin for Mr. Michael Cicchetti to extend time to file brief. Certificate of Service: 12/13/2011. [11-1354, 11-1170, 11-1208, 11-1223]--[Edited 12/15/2011 by SB] (SP)
- 12/15/2011  4 pg, 16.24 KB LETTER SENT granting joint motion to extend time to file brief [4516949-2] filed by Mr. Sanford Plotkin. Resetting briefing schedule: appellant brief now due 1/18/2012; appellee brief now due 2/24/2012. Final extension. [11-1354, 11-1170, 11-1208, 11-1223] (SB)
- 01/17/2012  5 pg, 87.33 KB Joint MOTION filed by Mr. Lawrence Bryant Shulman for Mr. Gary Ball, Jr. to extend time to file brief. Certificate of Service: 01/17/2012. [11-1208, 11-1170, 11-1223, 11-1354]--[Edited 01/18/2012 by SB] (LBS)
- 01/18/2012  4 pg, 16.22 KB LETTER SENT granting joint motion to extend time to file brief [4535874-2]. Resetting briefing schedule: appellant brief now due 2/03/2012; appellee brief now due 3/09/2012. [11-1170, 11-1208, 11-1223, 11-1354] (SB)
- 02/03/2012  71 pg, 1.84 MB Joint MOTION filed by Mr. James C. Thomas for Aref Nagi and Gary Ball for leave to file a supplemental brief. Certificate of Service: 02/03/2012. [11-1170, 11-1208]--[Edited 02/06/2012 by SB] (JCT)
- 02/03/2012  70 pg, 1.82 MB JOINT SUPPLEMENTAL BRIEF TENDERED. Received from Attorney Mr. James C. Thomas for Appellants Nagi and Ball. Certificate of Service: 2/03/2012. [11-1170, 11-1208] (taken from motion entry) (SB)
- 02/06/2012  6 pg, 339.3 KB APPEARANCE filed for Appellee USA in 11-1170, 11-1208, 11-1221, 11-1223, 11-1349, 11-1354 by Margaret Smith. Certificate of Service: 02/06/2012. [11-1170, 11-1208, 11-1221, 11-1223, 11-1349, 11-1354] (MMS)
- 02/09/2012  5 pg, 82.28 KB MOTION filed by Mr. Lawrence Bryant Shulman for Mr. Gary Ball, Jr. to extend time to file brief. Certificate of Service: 02/09/2012. (LBS)

02/13/2012	 4 pg, 15.85 KB	LETTER SENT granting appellant's motion to extend time to file brief [4552257-2]. Resetting briefing schedule: appellant brief now due 2/14/2012. (SB)
02/13/2012	 1 pg, 10.23 KB	LETTER SENT to hold briefing in abeyance as to the USA's brief pending a ruling on appellant Nagi's motion for leave to file an oversized brief and appellant Nagi and Ball's motion for leave to file a supplemental brief. [11-1170, 11-1208, 11-1221, 11-1223, 11-1349, 11-1354] (SB)
02/23/2012	 4 pg, 84.62 KB	MOTION filed by Mr. Lawrence Bryant Shulman for Mr. Gary Ball, Jr. to extend time to file brief. Certificate of Service: 02/23/2012. (LBS)
02/23/2012	 4 pg, 15.83 KB	LETTER SENT granting appellant's motion to extend time to file brief [4560449-2]. Resetting briefing schedule: appellant brief now due 2/28/2012. (SB)
03/13/2012	 4 pg, 15.87 KB	BRIEFING LETTER SENT to have Mr. Lawrence Bryant Shulman for appellant Ball show cause for not filing a brief, resetting briefing schedule: appellant brief now due 3/20/2012. (SB)
04/02/2012	 2 pg, 24.9 KB	ORDER filed for Lawrence B. Shulman to be withdrawn as counsel for the appellant. (SB)
04/16/2012	 2 pg, 10.72 KB	LETTER SENT to appoint Mr. Dennis Belli for Mr. Gary Ball, Jr., under the Criminal Justice Act. The appearance form and the transcript order forms are to be electronically filed by 04/30/2012. (KAL)
04/19/2012	 1 pg, 56.25 KB	APPEARANCE filed for Appellant Mr. Gary Ball, Jr. by Dennis C Belli. Certificate of Service: 04/19/2012. (DB)

Select All Clear All

- **Documents and Docket Report**
  - Documents and Docket Summary**
  - Documents Only**

✓ **Include Page Numbers**

Selected Pages: 0

Selected Size: 0 KB

Totals reflect accessible documents only and do not include unauthorized restricted documents.

[View Selected](#)

## Exhibit B

Sixth Circuit ORDER Removing Shulman

Case: 11-1208 Document: 006111261084 Filed: 04/02/2012 Page: 1

Case No. 11-1208

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

**ORDER**

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

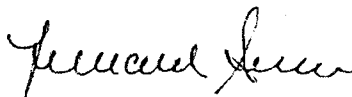
GARY BALL, JR.

Defendant - Appellant

The record in this matter shows that court appointed counsel, Lawrence B. Shulman, still has failed to file the appellant's brief despite continual requests from the Clerk's office.

It is therefore **ORDERED** that Mr. Shulman is withdrawn from this appeal. Replacement counsel shall be appointed by this court to represent the appellant.

**ENTERED PURSUANT TO RULE 45(a),  
RULES OF THE SIXTH CIRCUIT**  
Leonard Green, Clerk



Issued: April 02, 2012

# Exhibit C

Letter to Sixth Circuit Case Manager

TRULINCS 17278039 - BALL, GARY JR - Unit: LOM-L-A

RECEIVED

*Sub*  
*4-23-12*

APR 13 2012

FROM: 17278039

TO:

SUBJECT: APPEAL/BRIEF

DATE: 04/09/2012 02:49:59 PM

LEONARD GREEN. Clerk

Case Manger, for Gary Ball Jr, docket # 11-1208 USA V. GARY BALL Jr /US V NAGI. Eastern District of Michigan. I am writing the court because I don't know what else to do, I afraid that my Lawyer my may have missed the filling date on my Brief, the last I heard for him was Feb 8 2012, and in the email that he sent me, he said that he was asking for an extension on my behalf, as of the 28 of March he hasn't filled. He won't reply to my emails, phone calls, or letters everyone else on my case has filled, so I don't know if he for what ever reason he removed himself from the case. If he has sent you a notice?. If I need to get new counsel?, I just don't want to miss my filling date. I got 30 years. and I know as of the 28 of March my brief hasn't been filed. Please I need some help on what I need to do, Thank you for your time, Lawyers Name, Lawrence Shulman

Gary Ball Jr,  
3901 Klein Blvd  
UNITED STATES PENITENTIARY  
LOMPOC, CA 93436

SUE BURLAGE

*Case Manager*



# Exhibit D

## Emails

FROM: Shulman, Larry  
TO: 17278039  
SUBJECT: Re: RE: Re: RE: Re: Gary Ball  
DATE: 06/25/2012 08:00:17 PM

I'm emailing Belli right now. I've told him that my files are an open book and that I will discuss anything about the case with him at any time. I keep electronic copies of everything in my file - so I'm not sure exactly what he is looking for. The paper files I have are just duplicates of some items stored electronically or what was produced (again electronically) by the government in discovery. I'll transfer the entire folder from my computer of documents onto a jump drive and will send it to him right away again. The results of any motions, pretrial hearings and the like are also available on PACER, and are accessible to him in that form, as well.

All plea forms from other defendants are available on PACER, and so are the judgments of sentence and conviction. There were no formal pretrial meetings, like debriefings, or plea offers because you were not interested in cooperation. The government did not prepare a formal rule 11 agreement for you, because we never reached that stage, given the cooperation precondition and their inflexible position that you plead to a conspiracy to commit murder in aid of racketeering- which was unacceptable to you..

Leo did not turn over any files with investigation materials - he just kept copies of some of the discovery materials produced by the government (although they hadn't turned over very much by the time he stopped representing you), and copies of some of the documents filed in court - again the whole collection is on PACER.

Like I said, I'll send a flash drive with everything I have, but unless he combs through everything, it may take him a while to locate things. Are there some things in particular that you are discussing? - it may be much easier for me to point him to specific sections since I know the file inside out, and I'm happy to guide him. I also forwarded to him as soon as he was appointed, a 100+ page summary of the trial transcripts that I prepared, a very detailed timeline chart with all incidents referred to in the testimony, and a topical guide to significant issues in the case, with factual support for each. Tell Belli that you'd like him to call me to discuss it. Anytime this week is fine.

GARY JR BALL on 6/21/2012 1:04:40 PM wrote  
What I need is everything, from the time you started on my case "Everytiing"  
I talked with Belli and he informed me that you he didn't receive anything in the form of files, pretrial meetings, Pleas, any files that you may have got from Leo from investigation that he did in pretrial for the two years that he was on my case.  
Larry I got a 30 year sentence. I fighting for my life please send me my files. Junior.  
-----Shulman, Larry on 5/30/2012 4:30 PM wrote:

>

I would suggest a motion to let you review records in electronic form. If you are talking about all documents including the discovery from the trial court level through the trials and appeals, I would guess that you could be talking about 15,000 pages of documents at the low end - probably even more. It would fill quite a few boxes.

By the way I haven't gone any where - I've told the appellate lawyer that he can feel free to contact me at anytime about any of the evidence, proceedings, trial insight, arguments on appeal, etc - anything he wants to ask. I mean it. You too.

GARY JR BALL on 5/30/2012 4:49:52 PM wrote  
Yes send it to Paul in CD's that fine I'll have him print it out.  
and let me have a letter/sign off that's all you have in my file.  
Paul's number is 586-419-8207.  
-----Shulman, Larry on 5/30/2012 11:45 AM wrote:

>

I've sent everything to the appellate lawyer that he asked for. I'm happy to send you a copy as well- everything I have is in electronic form. OK if I send to you on CD's?

GARY JR BALL on 5/29/2012 11:33:19 PM wrote  
Larry I need for you to send me the complete file that you have on my case. Everything from pretrial, to trial, to appeal, and to sign off that's everything that you have. I got a notice that you have been ordered to send the complete file from the court of appeals. Gary ball Jr

# Exhibit E

Letter Requesting File

Certified Mail Receipt

GARY BALL, Jr.  
17278-039  
U.S. Penitentiary  
3901 Klein Blvd.  
Lompoc, California 93436

November 17, 2012

To: Mr. Larry Shulman, Attorney at Law  
2000 Town Ctr.  
Southfield, Michigan 48075

re: Case File of your representation of USA v. Gary Ball, Jr., District  
Court No.06-20465-017 & Sixth Circuit Court of Appeals No. 11-1208.


Dear Mr. Shulman:

I am requesting that you immediately send me my entire files in the above entitled case. I am sure you are aware of the Supreme Court's stating that a pro se prisoner cannot be expected to file a meaningful 28 U.S.C. §2255 without the attorney's case file. So, I am officially requesting pursuant to the Rules of Professional Conduct of the State Bar of Michigan Rule 1.16(d), that you immediately send me my entire file of your representation. Such rule states:

"(d) Upon termination of representation, a lawyer shall take reasonable steps to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled, and refunding any advance payment of fee that has not been earned. The lawyer may retain papers relating to the client to the extent permitted by law."

If you withhold any part of the file, please state what that part of the file consists of and the legal authority relied upon to base your refusal to turn it over. Further, please provide a statement that the file you send amounts to the entire file with the exception(s) you identify and the legal basis of your refusal to turn such portion of the file from me. Time is of the essence as you know, I have one-year in which to prepare my §2255 Motion from the time my direct appeal is final. If I do not receive my entire file from you within 30 days, I will seek assistance from the State Bar. I am sending you an authorization to send package from the institution; please place a copy of the the authorization on the top of each box comprising the file. Thank you for you assistance.

Sincerely,

  
Gary Ball, Jr.

# Exhibit F

## B.O.P. Package Approval Slip

7011 3500 0002 7362 0951

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a>	
Gary Ball, Reg. No. 17278-039	
Postage	\$ 0.45
Certified Fee	2.95
Return Receipt Fee (Endorsement Required)	2.35
Restricted Delivery Fee (Endorsement Required)	0
Total Postage & Fees	\$ 5.75
<div> <div>Sent To</div> <div>Larry Shulman</div> <div>Street, Apt. No., or PO Box No.</div> <div>2000 Town Center</div> <div>City, State, ZIP+4</div> <div>Southfield, MI 48075</div> </div>	
<div> <div>PS Form 3800, August 2006</div> <div>See Reverse for Instructions</div> </div>	

Postmark  
Here

NOV 19 2012  
USPS

BP-A331.058  
NOV 08

## AUTHORIZATION TO RECEIVE PACKAGE OR PROPERTY CDFRM

U.S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

Name and Address of Person Sending Package			EXPIRATION DATE <u>11/2/12</u>	
Name <u>Lawrence Spillane</u>			This Authorization Is Not Valid After The Date Shown.	
Address <u>3000 Town CTR, Ste 1000</u>			Enter Inmate Name, Register No., and Institution Address Here:	
<u>Smithfield, NH</u>			<u>BAL, Gary D 17278-039</u>	
City	State	Zip Code	<u>Freeport (MCA)</u>	
			<u>3901 Klein Blvd</u>	
			<u>Lebanon NH 03243</u>	

## THE NAMED INMATE IS AUTHORIZED TO RECEIVE (specify below):

You are authorized to send the following personal property. PLEASE NOTE: Including unauthorized materials in the package will result in the entire package being returned undelivered.

QUANTITY	ITEM AND DESCRIPTION (INCLUDED STATED VALUE)	DISPOSITION
<u>2</u>	<u>Reyes 1000/1000</u>	

SPECIAL INSTRUCTIONS: The inmate will mail copy #3 and copy #4 to addressee. The addressee may retain the copy #3 but must include the copy #4 in the package. The material must also be received prior to the Expiration Date shown above.

DISPOSITION: S = Storage; D = Donated; K = Keep in Possession; M = Mail; C = Contraband

ENTER SIGNATURE, TITLE AND DATE OF APPROVING OFFICIAL - APPROVING OFFICIAL ALSO ENTERS EXPIRATION DATE, above.

[Signature] Unit Manager 12/6/12  
(Signature and Title) (Date Approved)

## INSPECTION AND RECEIPT

Completed by Inspecting Staff

Status/Condition of Property Received:

Inspected and cleared for issue: \_\_\_\_\_  
(Staff Signature) (Date)

\_\_\_\_\_  
(Inmate Signature Upon Receipt) (Date)

The Original, Copy 1 and Copy 2 remain together until fully completed. Copy 3 and Copy 4 are forwarded to addressee by inmate.  
Original- Central File; Copy 1- R&D Property File; Copy 2- Inmate; Copy 3- Addressee to keep; Copy 4- Addressee place in package  
(This form may be replicated via WP)

This form replaces BP-S331.058 of Sep 05

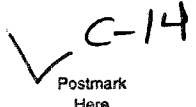


# Exhibit G

## Certified Mail Receipt



7011 0470 0000 9895 3998

U.S. Postal Service <sup>TM</sup>	
CERTIFIED MAIL <sup>TM</sup> RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
Certified Mail REG No 17278-5059	
Postage	\$ .45
Certified Fee	2.95
Return Receipt Fee (Endorsement Required)	2.35
Restricted Delivery Fee (Endorsement Required)	0
Total Postage & Fees	\$ 5.75
<div style="text-align: right;">  </div>	
Sent To: Attorney, Lawrence Stedman Street, Apt. No., or PO Box No. 2000 Town Center, Suite 1650 City, State, ZIP+4 Southfield, MI 48075	
PS Form 3800, August 2006 See Reverse for Instructions	

# Exhibit H

## Certified Mail Return Receipt

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <i>x/ Deborah Christine</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Deborah Christine</i> C. Date of Delivery <i>12-11-12</i></p>
<p>1. Article Addressed to:</p> <p><i>Larry Shulman</i>  <i>2000 Town Ctr</i>  <i>Suite 1650</i>  <i>Southfield, MI 48075</i></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p> <p><i>DEC 11 2012</i></p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number          (Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>7011 0470 0000 9895 3998</p>	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

# Exhibit I

## Emails

TRULINCS 17278039 - BALL, GARY JR - Unit: LOM-L-A

---

FROM: 17278039  
TO: Shulman, Larry  
SUBJECT: RE: Records  
DATE: 12/11/2012 05:46:39 PM

Larry: I need the entire file on paper, because I cannot have CD's etc. here. I need your accounting record of your earning the \$10,000.00 retainer as required by the Michigan State Bar Rules of Professional Conduct. I need a letter from you to accompany the file stating that the file is complete. If you exclude any part of the file please identify that part and the number of pages involved and the subject matter with the authority you claim privilege that excludes me. Follow the instructions on the Package Approval Slip, and place a copy of the Package Approval Slip inside on the top of the contents of each box. I need the entire file as soon as possible, because of the one-year limitation period of AEDPA in which to file my section 2255 Motion. You must send it by U.S. Mail. Please give this your earliest attention. Thank You! My address is:

Gary Ball Jr. 17278-039  
U.S. Penitentiary  
3901 Klein Blvd.  
Lompoc, California 93436

Thank you; Junior.

-----Shulman, Larry on 12/11/2012 12:45 PM wrote:

>

Junior: I received your request for records. I had asked Dennis Belli to ask you if you wanted them in electronic form or on paper.. I never heard back, but I received your second letter today with the same request. Let me know what form you want it in, please, and I'll see that they get to you.

# Exhibit J

## Emails

TRULINCS 17278039 - BALL, GARY JR - Unit: LOM-L-A

---

FROM: 17278039  
TO: Shulman, Larry  
SUBJECT: RE: RE: Gary Ball  
DATE: 01/15/2013 06:22:38 PM

Larry: I've got the email dating back to May 2012 requesting my files. do you realize that that is eight months and you are still giving me excuses. The Bar rules require you to turn the files over to me upon my requesting a timely manner after the 6th (cir) removed you due to abandonment. You have miserably failed to do this. Instead of giving me excuses 8 months after my initial official request; try this: find the solution..send me my files. All of them on paper. I an in prison and need my files you say it's 15,000 pages. I'm not a lawyer. I got 30 years. you abandoned my case and have ignored my request for my files. Gary Ball  
-----Shulman, Larry on 1/15/2013 9:45 AM wrote:

>

Junior:

Like I said, I'm happy to provide you with a complete copy of the file. Your one year period for filing a motion does not begin to run until the conclusion of your direct appeal.

I am currently seeking guidance on payment for copies and shipping. If you had the capability to accept the file in electronic form, I could have everything to you very quickly- within a week. You have asked for hard copies, however. Due to the volume of material, I never printed out the majority of the discovery. As in most of my cases with large volumes of material, I prefer to keep it in digital form- it takes up much less space, and it's more accessible and more easily indexed that way. You saw at trial that I was referring to materials on my laptop primarily.

Printing everything out is another story- it is extremely labor intensive. We are talking about approximately 15,000 pages or so. When printed, I would estimate it would take 6-8 banker's boxes, at least, rather than the 3 you estimated.

If you'd like me to hand it over to someone else electronically, I'm happy to make those arrangements right away. If you need me to print it, it is going to take a while longer, after receiving approval for costs.

BALL, GARY JR on 1/14/2013 9:22:08 PM wrote

Larry are you sending me my files? I have been asking you since May of 2012 after you were ordered removed from my case by the 6th(cir) court of appeals for failing to file my appellate brief, you told me in an email i Dec, 2012 that you would send me my complete files. I sent you the package form for the prison, you said that you received it. but that was the last i heard from you, I had my new counsel Belli contact you last week to ask you for my files. Please Larry i need these files, I'm entitled to them by the Michigan Bar Association from you, Larry Please you left me with out counsel on appeal with a thirty year sentence. I have been contacting you on my files, I'm in prison i have no way else to get my files that you have. if for some reason you're not going to send me my files please explain to me why. Gary Ball Jr.

# Declaration



Gary Ball Jr.  
17278-039  
U.S. Penitentiary  
3901 Klein Blvd.  
Lompoc, California 93436

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

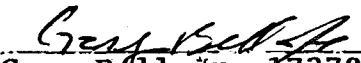
DECLARATION OF GARY BALL Jr.:

I, Gary Ball Jr. declare as follows:

1. I am defendant 17 in Criminal Case No. 06-20465 in the United States District Court for the Eastern District of Michigan for the Southern Division, and bring the Motion for ORDER COMPELLING ATTORNEY LAWRENCE SHULMAN TO TURN OVER CASE FILE in the good faith belief that I am entitled to the relief I seek and need the files to assist in my appeal and investigate and prepare my \$2255 Motion that my appellate counsel has advised me I will need to file.
2. I forfeited my assets, after being found guilty by the jury, to the government and do not have money to pay for my files, and am proceeding on appeal by appointed counsel who has only obtained the trial transcripts from attorney Shulman.
3. I cannot assist in my appeal or investigate or prepare a meaningful \$2255 Motion without the files that attorney Shulman currently is withholding from me.
4. I have presented the facts in a good faith effort to seek a resolution to attorney Shulman's repeated excuses for not sending my files to me. Had Shulman sent the disks last Summer, a friend of mine Paul would have copied them disks and mailed them to me. However, now my friend Paul no longer has the ability to copy the disks and send the files to me.

I declare the foregoing true of my own knowledge and swear the same under penalty of perjury.

Sworn this 19th day of January 2013

  
Gary Ball Jr. 17278-039  
U.S. Penitentiary, Lompoc USP

## Certificate of Service

I, Gary Ball, Jr., hereby certify that I have served a true and correct copy of the following, by placement in the inmate mail:

NOTICE AND MOTION FOR ORDER COMPELLING ATTORNEY LAWRENCE SHULMAN TO TURN OVER  
CASE FILE

With  
Exhibits A-J & Declaration In Support

Service of process is deemed complete at the time of delivery to the United States Postal Service for forwarding to the Court. Houston v. Lack 101 L.Ed.2d. 245 (1988) confirms that by such service upon the parties to litigation and or his/her attorney of record, by placement in a sealed, postage prepaid envelope addressed to:

*original + 1 copy*

U.S. Attorney's Office  
211 W. Fort Street  
Suite 2001  
Detroit, Michigan 48226

Mr. Larry Shulman  
Attorney at Law  
2000 Town Center  
Suite 1650  
Southfield, Michigan  
48075

U.S. District Court  
U.S. Courthouse  
231 West Lafayette Blvd.  
Fifth Floor  
Detroit, Michigan  
48226

and deposited in the United States Mail maintained by the United States Penitentiary Lompoc, Lompoc California, all requirements of service of process required by law have been fulfilled this:

28 day of January 2013.

Gary Ball Jr.  
17278-039  
Unites States Penitentiary  
3901 Klein Blvd.  
Lompoc, CA. 93436-2706

  
(Name) Gary Ball Jr.

17278-039

Bureau of Prisons Register Number

## Certificate of Service

I, Gary Ball, Jr., hereby certify that I have served a true and correct copy of the following, by placement in the inmate mail:

NOTICE AND MOTION FOR ORDER COMPELLING ATTORNEY LAWRENCE SHULMAN TO TURN OVER  
CASE FILE

With  
Exhibits A-J & Declaration In Support

Service of process is deemed complete at the time of delivery to the United States Postal Service for forwarding to the Court. Houston v. Luck 101 L.Ed.2d. 245 (1988) confirms that by such service upon the parties to litigation and or his/her attorney of record, by placement in a sealed, postage prepaid envelope addressed to:

U.S. Attorney's Office  
211 W. Fort Street  
Suite 2001  
Detroit, Michigan 48226

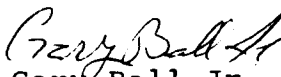
Mr. Larry Shulman  
Attorney at Law  
2000 Town Center  
Suite 1650  
Southfield, Michigan  
48075

*original + 1 copy*  
U.S. District Court  
U.S. Courthouse  
231 West Lafayette Blvd.  
Fifth Floor  
Detroit, Michigan  
48226

and deposited in the United States Mail maintained by the United States Penitentiary Lompoc, Lompoc California, all requirements of service of process required by law have been fulfilled this:

28 day of January 2013.

Gary Ball Jr.  
17278-039  
United States Penitentiary  
3901 Klein Blvd.  
Lompoc, CA. 93436-2706

  
(Name) Gary Ball Jr.

17278-039

Bureau of Prisons Register Number

## Certificate of Service

I, Gary Ball, Jr., hereby certify that I have served a true and correct copy of the following, by placement in the inmate mail:

NOTICE AND MOTION FOR ORDER COMPELLING ATTORNEY LAWRENCE SHULMAN TO TURN OVER  
CASE FILE

With  
Exhibits A-J & Declaration In Support

Service of process is deemed complete at the time of delivery to the United States Postal Service for forwarding to the Court. Houston v. Lack 101 L.Ed.2d. 245 (1988) confirms that by such service upon the parties to litigation and or his/her attorney of record, by placement in a sealed, postage prepaid envelope addressed to:

U.S. Attorney's Office  
211 W. Fort Street  
Suite 2001  
Detroit, Michigan 48226


Mr. Larry Shulman  
Attorney at Law  
2000 Town Center  
Suite 1650  
Southfield, Michigan  
48075

*original + 1 copy*  
U.S. District Court  
U.S. Courthouse  
231 West Lafayette Blvd.  
Fifth Floor  
Detroit, Michigan  
48226

and deposited in the United States Mail maintained by the United States Penitentiary Lompoc, Lompoc California, all requirements of service of process required by law have been fulfilled this:

28 day of January 2013.

Gary Ball Jr.  
17278-039  
United States Penitentiary  
3901 Klein Blvd.  
Lompoc, CA. 93436-2706

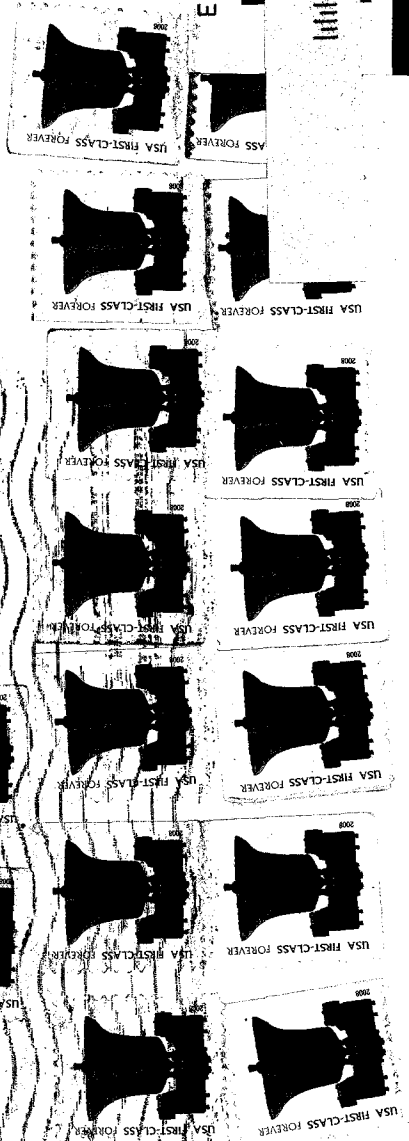
  
(Name) Gary Ball Jr.

17278-039

Bureau of Prisons Register Number

17278-039  
Levin Blvd.  
California  
93436

7011 0470 0000 9895 2403



⇌ 17278-039 ⇌

Us District Court  
Fifth Floor  
231 W Lafayette BLVD  
US Courthouse  
Detroit, MI 48226  
United States

Special Mail  
Legal Mail

FCI LOMPOC  
3600 GUARD ROAD  
LOMPOC, CA 93436  
(-24-13)

DATE

The enclosed letter was processed through special mailing procedures for forwarding to you. The letter has been neither opened or inspected. If the writer raises a question or problem over which this facility has jurisdiction, you may wish to return the material for further information or clarification. If the writer enclosed correspondence for forwarding to another address, please return the enclosed to the above address.